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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,163	01/02/2001	Robert C. Eisenman	RE-1	9699
34284	7590	01/24/2005		
ROBERT D. FISH RUTAN & TUCKER LLP 611 ANTON BLVD 14TH FLOOR COSTA MESA, CA 92626-1931			EXAMINER LIEU, JULIE BICHNGOC	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,163

Applicant(s)

EISENMAN, ROBERT C.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 26-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed October 6, 2004. Claims 1-25 have been canceled. Claim 26 has been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US Patent No. 6,392,592) in view of Hoffman et al. (US Patent NO. 5,742,233).

Claim 26:

Johnson disclose a device, having a radio portion that communicates with a plurality of satellites for determining a location of the device comprising an apparatus for unlocking a door on nearby motor vehicle. Though Johnson is silent about the capability for triggering multiple warnings at different locations, including a first trigger that activates an alarm on the vehicle, it would have been obvious to one skilled in the art to include this capability in the key fob in Johnson because keyless entry and vehicle antitheft alarms capabilities incorporated in a single key fob is conventional in the art.

Johnson fails to disclose a second trigger that transmits the location to a recipient at distant location that communicates with a ground dispatch location. However, the use of a

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personal locator is old in the art as taught in Hoffman et al. in which the device can be incorporated into a keychain, as admitted by applicant. Therefore, it would have been obvious to one skilled in the art to incorporate the Hoffman device into the remote control unit in Johnson because Johnson readily teaches to combine the vehicle remote control with a locator device within the same key chain for convenience.

Claim 27:

Though no connector for attachment of a key is shown since the Johnson's device is a key fob of which the remote control unit is contained, it would have been obvious to one skilled in the art to use a key connector for attachment of a key in remote control unit, which is separate from a key.

Claims 28-30:

It would have been obvious to one skilled in the art that the alarm is part of a security system of the motor vehicle in the modified system in Johnson wherein vehicle security alarm is used and some switches is used for activating and deactivating the alarm system.

Claim 31:

Johnson discloses using the same trigger to open the door and to send a signal to request a vehicle location indication. In light of this teaching, one skilled in the art would have readily recognized using the same trigger in Johnson and Hoffman to send both signals at the same time as desired. This feature only presents a choice in design as to how a signal would be activated.

Claim 32:

Johnson fails to discuss providing a sound when a switch is operated. However, it is conventional in the art to provide a sound to confirm an activation of the vehicle remote

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function. Thus, one skilled in the art would have readily recognized using this feature in the combined system of Johnson and Hoffman because it is conventional in the art.

Conclusion

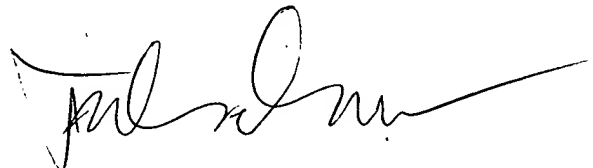
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Urban et al., US Patent No. 5,630,206, discloses a position enhanced cellular telephone system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jan. 18, 05